



Police & Crime Commissioner for Cleveland
Cleveland Police Headquarters
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Police and Crime Commissioner:	Barry Coppinger	Tel: 01642 301653
Chief of Staff (Chief Executive & Monitoring Officer):	Simon Dennis BA, Solicitor	Tel: 01642 301653
Chief Constable:	Iain Spittal	Tel: 01642 301217

Request-413085-90fe5bef@whatdotheyknow.com

Date: 3rd September 2017

Dear Mr Carey

I write in response to your email of 19 July last to my colleague John Bage, in which you seek an internal review of his decision to refuse the request for information made by you under the above reference number.

Your original request was addressed to the Police and Crime Commissioner for Cleveland and read as follows:

"Whilst I am aware that your general wider-office telephone numbers are 01642 301653 and (01642) 301623 (as posted on your website) could you please advise of the direct telephone number to your own working desk at the Office of the Police and Crime Commissioner for Cleveland. If you also have a mobile phone, paid for through the budgets of the OPCC and used in your day-to-day business as PCC for Cleveland, could you also provide the telephone number for this also"

Mr Bage refused your request on the basis that he considered it to be vexatious within the meaning of section 14 of the Freedom of Information Act 2000.

May I apologise to you for the delay in my being able to deal with your request for an internal review of Mr Bage's decision.

I have now had the opportunity of considering both Mr Bage's letter of 14 July 2017 and your email in response to date of 19 July 2017.

Essentially, the question which I have had to consider is whether it is appropriate for Mr Bage to categorise your request as being vexatious, thereby enabling refusal of your request pursuant to section 14 of the 2000.

In determining whether your request should be seen as vexatious, I have reminded myself that the guidance issued by the Information Commissioner's Office (the "ICO") indicates that section 14 is concerned with the nature of the request rather than the consequences of releasing the requested information.

In considering the nature of your request, it is entirely justifiable (again according to the guidance issued by the ICO) to consider the context of your application. My clear view is that Mr Bage was



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entitled to consider as part of the context of your application, the history of your telephone contact with the Office of the Police and Crime Commissioner for Cleveland ("OPCC"). Mr Bage indicated to you that there was a history of your telephoning the OPCC, recording those calls, editing them, and then publishing the resultant material, thereby on occasions causing distress and alarm to members of staff. I note that in your response of 19 July last you do not take issue with these assertions.

As a result of the history of your contact with the OPCC, restrictions have been placed on the means by which you should seek to make further contact, and this involves your doing so in writing rather than by telephone. I note that this restriction does not appear to limit your ability to pass on information of concern which you feel you ought to bring to the attention of the Commissioner. In other words, the restriction does not affect your freedom to contact the Commissioner, nor the content of your communication to him, but merely the means by which such communication is effected.

I believe you are well aware of the restriction which the OPCC has considered it necessary to impose upon your means of communication with this office. You must therefore be aware that in seeking to obtain the desk telephone number of the Commissioner and any relevant mobile telephone number used by the Commissioner, and thereafter utilising them, you would be seeking to circumvent the restrictions which it has been necessary to place upon your contact with the office.

Accordingly I conclude that your application was a manifestly unjustified and inappropriate use the formal procedures provided within the 2000 Act, and that it is vexatious within the meaning of section 14 of the 2000 Act.

If you are dissatisfied with this response then you do have a right of complaint under section 50 of the 2000 Act to the Information Commissioner's Office, whose address is Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Stephen Hodgson

Consultant Solicitor

Office of the Police and Crime Commissioner for Cleveland

Yours Sincerely,